

6/27/72

Dear Howard,

Your 22 note on Powell is particularly interesting because at some point my spectro suit will be before the Supreme Court. If we win in the CA (where the decision would seem to be overdue) the government will undoubtedly appeal. If we lose, we will.

I have an Amer. Security Council file, but nothing I can remember on Powell in it.

John S. Knight's 12/19/71 Inquirer column seems particularly interesting because this is an FOI suit, because Powell should disqualify himself in any case involving me, not entirely because I filed a statement against his nomination, and because this is a "so-called right of the public to know" case. If you can get the original Powell quote without too much trouble, in time it might have some value. Especially if he does not automatically disqualify himself.

He should on anything on the WC anyway.

In this case, Rehnquist also should disqualify himself because he was legal adviser in the case when the initial decision was made. Both disqualifications should be important because both are not in the dispassionate, detached position of judges but have been partisans.

That Rehnquist did not disqualify himself in yesterday's Armu intelligence case is surprising and I think a possible forecast of Nixonian "activist", partisan Supreme Court judges. If this is correct, it is not a good augury.

Best,